

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Kylon Middleton, *et al.*,

Plaintiffs,

v.

Marci Andino, *et al.*,

Defendants.

No.: 3:20-cv-01730-JMC

**Defendants' Motion for
Judgment on the Pleadings**

Defendants Marci Andino, John Wells, Clifford J. Elder, and Scott Moseley ("Election Defendants"), pursuant to Rule 12(c), move for judgment on the pleadings.

This motion challenges five of the Plaintiffs' thirteen claims, as well as one of their requests for relief. These include:

1. The Twenty-Fourth Amendment claim regarding postage for returning absentee ballots;
2. The Twenty-Sixth Amendment claim regarding S.C. Code § 7-15-320(B)(8), which permits voters sixty-five and older to vote by absentee ballot;
3. The request for relief on all of the claims regarding section 7-15-230(B)(8);
4. The First Amendment claim regarding S.C. Code § 7-15-385, which prohibits candidates and their campaigns from collecting and returning absentee ballots;
5. The preemption claim regarding section 7-15-385; and

6. The section 2 claim under the Voting Rights Act regarding S.C. §§ 7-15-230, 7-15-420, which require absentee ballots be returned to county boards by 7:00 PM on election day.

A memorandum in support of this motion is being filed, under Local Civil Rule 7.04.

This the 26th day of June, 2020.

Respectfully Submitted,

s/ Wm. Grayson Lambert

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